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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY _____

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AURORA LOAN SERVICES, LLC,

Plaintiff,

v.

ABDOLAHAD PAK, et al.,

Defendants.

Case No. CV 12-7095 UA

(~~PROPOSED~~)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because it was improperly removed.

On August 17, 2012, Removing Defendants Abdolahad Pak and Michelle Pak lodged a Notice of Removal which seeks removal to this Court of what appears to be a routine post-foreclosure unlawful detainer action filed in California state court ("State Complaint" or "State Action"), and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the State Action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

1 Simply stated, Plaintiff could not have brought this action in federal court in
2 the first place, in that Removing Defendants do not competently allege facts
3 supplying either diversity or federal-question jurisdiction, and therefore removal is
4 improper. 28 U.S.C. § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc.,
5 545 U.S. 546, 563 (2005). Even if complete diversity of citizenship exists, the
6 amount in controversy alleged in the State Complaint does not exceed the
7 diversity-jurisdiction threshold of \$75,000. See 28 U.S.C. §§ 1332, 1441(b). Nor
8 does Plaintiff's unlawful detainer action raise any federal legal question. See 28
9 U.S.C. §§ 1331, 1441(b).

10 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
11 Superior Court of California, Los Angeles County, Chatsworth Courthouse, 9425
12 Penfield Avenue #1200, Chatsworth, CA 91311, for lack of subject matter
13 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) the Clerk send a certified copy of
14 this Order to the state court; and (3) the Clerk serve copies of this Order on the
15 parties.

16 IT IS SO ORDERED.

17
18 DATED: Aug 23, 2012

19
20 Audrey B. Collins
21 HONORABLE AUDREY B. COLLINS
22 CHIEF UNITED STATES DISTRICT JUDGE

23 Presented by

24 /s/
25 Honorable Jacqueline Chooljian
26 UNITED STATE MAGISTRATE JUDGE
27
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